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PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Docket No: Q54114

KAWABE, YASUMASA, et al.

Appln. No.: 09/295,329

Group Art Unit: 1752

Confirmation No.: 7050

Examiner: Y. CLARKE

Filed: April 21, 1999

For: POSITIVE PHOTSENSITIVE RESIN COMPOSITION

RESPONSE UNDER 37 C.F.R. §1.116

BOX AF

Commissioner for Patents
Washington, D.C. 20231

Sir:

This Response is submitted in Reply to the final Office Action dated January 10, 2002 and the Advisory Action dated May 23, 2002. A Notice of Appeal was filed on July 10, 2002, making a response due on or before September 10, 2002.

The Examiner states that claims 16-22 are allowed and that the Applicant's response has overcome the rejections of claims 23-26 under 35 USC §112, 2nd paragraph, and the Double Patenting rejection of claims 1, 3, 8 and 14-15 over U.S. Patent 6,159,656.

However, the Examiner maintains the rejection of claims 1-15 under 35 U.S.C. §103(a) based on Suwa (EP 789,278).

The Examiner notes that Applicants have not provided the profile angles in Declaration form and that the arguments are presented by the attorney and not the

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inventor. Additionally, the Examiner cites In re Klosak and concludes that the burden of showing unexpected results rests with he who asserts them. The Examiner appears to agree that there is a difference between the data representative of the invention and the comparative data, however, the Examiner states that Applicants have failed to explain the testing and the results achieved, the meaning of such tests and results, and whether the difference in results is of a practical advantage.

Enclosed herewith is an executed Declaration Under 37 C.F.R. §1.132 by Mr. Yasumasa Kawabe. The Declaration presents a detailed explanation of the comparative data and an explanation as to why the differences would have been unexpected to one skilled in the art.

For the above reasons, and for the reasons as set forth in the Amendment filed May 10, 2002, it is respectfully submitted that the subject matter of claims 1-15 is neither taught by nor made obvious from the disclosures of Suwa and it is requested that the rejection under 35 U.S.C. §103(a) be reconsidered and withdrawn.

In view of the above, Applicants respectfully submit that their claimed invention is allowable and ask that the rejection under 35 U.S.C. §103 be reconsidered and withdrawn. Applicants respectfully submit that this case is in condition for allowance and allowance is respectfully solicited.

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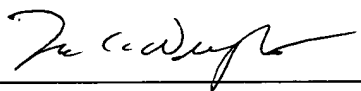
If any points remain at issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the local exchange number listed below.

Applicants hereby petition for any extension of time which may be required to maintain the pendency of this case. The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

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Date: September 10, 2002

Respectfully submitted,



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